(3)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

W.P. No. 3502 of 1996

Petitioner : N.R. Manmode,
S/O Shri. Ram Babu, Aged 59 Years
Retired Junior Engineer, M.P.
Electricity Board, Bilai, Teh.
& Distt. Durg, M.P.

Versus

Respondents : 1. M.P. Electricity Board,
Rampur, Jabalpur (M.P), through
its Chairman.

2. Superintending Engineer (O&M)
M.P. Electricity Board,
Durg, Distt. DURG (M.P).

3. Executive Engineer,
M.P. Electricity Board, Bhilai,
Distt. Durg (M.P).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 3502/96

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13.9.2005

Shri R. S. Shrivastava, counsel for the petitioner.

None for the respondents.

The return has been filed by the respondents.

Heard.

Perused the record.

The petitioner has filed this petition under Article 226/227 of the Constitution of India, seeking a relief that the respondents be directed to promote the petitioner from the date his juniors have been promoted to the post of Executive Engineer. At the hearing counsel for the petitioner submits that this petition be treated as filed under Article 226 of the Constitution only.

The brief facts relevant are that the petitioner was appointed as Supervisor on 21.1.1960. The Respondent No.3 (Shri B. S. Agarwal) was appointed on 1.4.1960. According to the seniority list dated 9.8.1968 the petitioner was shown at Srl. No.11 and the Respondent No.3 was shown at Srl. No. 14. The petitioner submits that the case of the petitioner has been ignored for promotion on the post of Executive Engineer, though the post of Supervisor is equal to the post of Junior Engineer. The petitioner has accordingly suffered losses. According to the petitioner his junior (Respondent No.3) was promoted on 30th May, 1980 on the post of Executive Engineer.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 3502/96

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The petitioner has filed this petition on 13.8.1996 after he retired from the service on 29.2.1996. The petitioner has not given any reason as to why the petitioner has taken 16 years to file this petition, challenging the promotion of his junior Shri B. S. Agarwal, which was granted on 30.5.1980.

The petition is belated one, Shri B. S. Agarwal, according to the petitioner was junior to him and had got promotion on 30th May 1980, his rights have been accrued and the rights and status of both the parties have settled. There is no reason to interfere with the promotion of Shri B. S. Agarwal which was challenged after a period of 16 years, at this stage. The petitioner has filed this petition after his retirement.

In view of the foregoing, the petition has no merit, which is liable to be and is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

SP/FS/2005 - 20,000